

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

2010 FEB 11 AM 11:50

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SOUTHERN CROSS RENTAL, INC.,
d/b/a Budget Rent-A-Car of McAllen,
LESLIE and LOIS CURREY, d/b/a Budget
Rent-A-Car of Amarillo and Budget Rent-
A-Car of Lubbock, and CURREY
ENTERPRISES, INC., d/b/a Budget Rent-
A-Car of Abilene,

Plaintiffs / Counter-Defendants,

v.

NO. 2:10-CV-1-J

BUDGET RENT A CAR SYSTEM, INC.,

Defendant / Counter-Plaintiff,

and

AVIS BUDGET CAR RENTAL, LLC,
and AVIS BUDGET GROUP, INC.,

Defendants.

ORDER REFERRING CASE TO NONBINDING MEDIATION

This case is hereby referred to nonbinding mediation. The parties have informed the Court that they will hold the mediation in Lubbock, Texas on February 24, 2010, with Dirk Murchison serving as the mediator.

Counsel for all parties in this action must attend each mediation conference in person. **In addition to counsel**, at least one person with **final** settlement authority for each party must attend each mediation conference in person. Additionally, all other persons necessary to negotiate a settlement, including insurance carriers, must attend all mediation sessions. It is not

acceptable for any person to participate by conference telephone. It is the responsibility of counsel for each party to inform any insurance carriers of this Order.


Upon completion of mediation, the mediator shall inform the Court whether this case has or has not settled by filing a mediation summary report with the Clerk of the Court on or before **three business days** after the completion of mediation. A mediation summary report form is available from the Clerk of the Court, and must be used by the mediator. It is the responsibility of counsel of record to provide the mediator with a copy of this Order so that he or she may comply with this requirement.

This mediation process shall be private, confidential, and privileged from process and discovery, unless otherwise ordered by the Court. The mediator shall not be a witness in this action, nor may the mediator's records be subpoenaed or used as evidence without the express permission of the Court. No subpoenas, citations, writs, or other process shall be served at the location of any mediation session upon any person entering, leaving, or attending any session.

The fees for mediation are to be divided and borne equally by the parties unless agreed otherwise, shall be paid by the parties directly to the mediator, and shall be taxed as costs.

IT IS SO ORDERED.

Signed this 11th day of February 2010.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE